

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SET CAPITAL LLC, et al., Individually and  
on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, CREDIT  
SUISSE AG, CREDIT SUISSE  
INTERNATIONAL, TIDJANE THIAM,  
DAVID R. MATHERS, JANUS HENDERSON  
GROUP PLC, JANUS INDEX &  
CALCULATION SERVICES LLC, and  
JANUS DISTRIBUTORS LLC d/b/a JANUS  
HENDERSON DISTRIBUTORS,

Defendants.

Case No.: 1:18-cv-02268-AT-SN

**[PROPOSED] ORDER GRANTING  
LEAD PLAINTIFFS' AND SUDHEERA  
TRIPURANENI TRUST U/A DTD  
11/16/2015'S JOINT MOTION FOR  
CLASS CERTIFICATION OF THE  
MISREPRESENTATION AND  
MANIPULATION CLASSES**

Upon consideration of the motion for class certification and supporting materials submitted by Lead Plaintiffs Set Capital LLC, Stefan Jager, Aleksandr Gamburg, Apollo Asset Limited ("Lead Plaintiffs") and the Sudheera Tripuraneni Trust U/A DTD 11/16/2015 ("Trust"), it is hereby ORDERED:

- (1) Lead Plaintiffs' and the Trust's motion is GRANTED;
- (2) This action is certified as a class action pursuant to Fed. R. Civ. P. 23 for two classes, defined as follows:
  - a. All persons and entities that purchased or acquired VelocityShares Inverse VIX Short Term Exchange Traded Notes between January 29, 2018 and February 5, 2018, inclusive, and who were damaged thereby ("Misrepresentation Class"); and
  - b. All persons and entities that sold or redeemed the VelocityShares Inverse VIX

Short Term Exchange Traded Notes on or after February 5, 2018 and who were damaged thereby (“Manipulation Class”);

- (3) Excluded from each of the Classes are Defendants and any of their immediate family members, the officers, directors and affiliates of Defendants at all relevant times, the legal representatives, heirs, successors or assigns of any Defendant, and any entity in which any Defendant has or had a controlling interest. Also excluded from the Classes are Janus Henderson Group plc (“Janus”), Janus Index and Calculation Services (“JIC”), and Janus Distributors LLC d/b/a Janus Henderson Distributors (“JHD”) (collectively, the “Janus Entities”), and any officers and directors or their immediate family members, affiliates, legal representatives, heirs, successors or assigns of the Janus Entities;
- (4) Lead Plaintiffs are appointed as Class Representatives for the Misrepresentation Class;
- (5) The Trust is appointed as the Class Representative for the Manipulation Class;
- (6) Co-Lead Counsel Cohen Milstein Sellers and Toll PLLC and Levi & Korsinsky, LLP are appointed as Class Counsel for the Misrepresentation Class; and
- (7) Slarskey, LLC is appointed as Class Counsel for the Manipulation Class.

**SO ORDERED.**

\_\_\_\_\_, 2023.

---

The Honorable Analisa N. Torres  
United States District Judge